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10/072,175	02/07/2002	Frank J. Chu	PT-035	1300

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EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/072,175	CHU ET AL.	
	Examiner	Art Unit	
	JOSHUA JOO	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) *2* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. This Office action is in response to communication dated 11/19/2007.

Claims 1-5 are presented for examination.

Claim 2 is withdrawn from consideration.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/2007 has been entered.

Response to Arguments

3. Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive. Applicant argued that:

4. (1) Baxley fails to teach or fairly suggest that audio packets received packet-switching conferencing servers are to be sent using an asynchronous transmission method. Baxley is neither concerned with nor addresses the transmission methods between servers, specifically the transmission of packets as is done between independent servers. Independent claim 1 of the present invention requires that voice packets be sent from server to another using an asynchronous transmission method.

5. In response, Examiner respectfully disagrees that the independent claim 1 of the present invention requires that voice packets be sent from server to another using an asynchronous transmission method. Claim 1 recites, inter alia,

> "linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server..." (preamble) and

> "receiving, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprise a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server; wherein said plurality of audio packets are received using an asynchronous transmission method" (step 4)

Claim 3 recites, inter alia,

> "a second plurality of clients connected to a packet-switched conferencing server..." (preamble)
>
> "receiving, over said connection, a first audio packet from said packet-switched conferencing server, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by the said packet-switched conferencing; wherein said plurality of audio packets are receiving using an asynchronous transmission method;" (step 3)

6. According to claim 1, the packet-switched conferencing server receives audio packets from clients connected to the packet-switched conferencing server, wherein the audio packets are received using an asynchronous transmission method. Claim 1 does not recite a feature of transmission of audio packets from one server to another server using an asynchronous transmission method. According to claim 3, "mixture of packets" are received from the second plurality of clients, wherein the second plurality of clients are connected to the packet-switched conferencing server, and "said plurality of audio packets" are received using an asynchronous transmission method. The feature of "said plurality of audio packets" lacks sufficient antecedent basis and is interpreted as the "mixture of packets" as this is the only previous basis for more than packet. Thus, claim 3 comprises a feature of the packet-switched conferencing server receiving mixture of packets from clients using an asynchronous transmission method but does not comprise features of transmission of voice packets from one server to another server using an asynchronous transmission method. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 1 and 3 recite features of receiving and transmitting audio packets between the packet-switched and circuit-switched conferencing servers but do not address or specify the transmission methods between the conferencing servers.

7. (2) Kung fails to teach a method of linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the first and second plurality of clients can simultaneously participate in a single audio conference application, and whereby the packet-switched conferencing server is independent from the circuit-switched conferencing server

8. In response, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It was shown in the Office dated November 10, 2007 and in the current Office action that Baxley teaches a method of linking a first plurality of clients connected to a packet-switched conferencing server to a second plurality of clients connected to a circuit-switched conferencing server whereby the first and second plurality of clients can simultaneously participate in a single audio conference application. Baxley did not specifically teach that the packet-switched conferencing server is independent from the circuit-switched conferencing server. However, Kung teaches of a conferencing server independent, i.e. separate, from another conferencing server (col. 31, lines 29-50).

9. (3) Kung fails to teach or fairly suggest that audio packets received by a packet-switched conferencing server are sent using an asynchronous transmission method.

10. In response, claims 1 and 3 recite features of a packet-switched conferencing server receiving audio packets using an asynchronous transmission method from a plurality of clients but does not

comprise features of the packet-switched conferencing server sending audio packets using an asynchronous transmission method.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 3 and 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i) Regarding claims 3 and 5, in the third and fourth steps, "said plurality of packets" lack sufficient antecedent basis.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Baxley et al, US Publication #2004/0085913 (Baxley hereinafter), in view Kung et al, US Patent #6,671,262 (Kung hereinafter) and Polcyn, US Patent #6,594,269 (Polcyn hereinafter).

15. As per claim 1, Baxley teaches substantially the invention as claimed including a method for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet from said circuit-switched conferencing server, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints. Audio inputs are mixed. It is inherent that software process receives audio input for mixing from another software process that receives audio input from the GSTN endpoints.);

receiving, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.);

forwarding, over a connection, said second audio packets to said circuit-switched conferencing server (Paragraphs 0051-0052. Receive audio input from packet endpoints. Output stream is transmitted to the GSTN endpoints. It is inherent that a software process receives and sends audio packets to another software process for transmission to GSTN endpoints.)

mixing said first audio packet with said second audio packets from the first plurality of clients into a composite packet (Paragraphs 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.); and

forwarding said composite packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0052. Sum stream is directed to the packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0038. GSTN endpoints are based on circuit-switched network, packet-based endpoints are based on packet-based network.).

16. Baxley teaches substantial features of the claimed invention including a single server comprising both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not specifically teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server. Baxley also does not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

17. Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server and uses the connection for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. The motivation for the suggested combination is that Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

19. Baxley and Kung still do not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

20. Polcyn teaches a system for voice conferencing between different networks, wherein a conferencing server receives communications using an asynchronous transmission method (col. 2, lines 32-35; col. 4, lines 21-24, 33-36).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the audio packets received by the packet-switched conferencing as taught by Baxley to receive audio packets using an asynchronous transmission method as taught by Polcyn. The motivation for the suggested combination is that Polcyn's teachings of asynchronous transmission would improve the suggested system by allowing communication without synchronization of an external clock, which would allow a simpler setup of communication between devices.

22. As per claims 3 and 5, Baxley teaches substantially the invention as claimed including a method and a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

receiving a first audio packet from said packet-switched conferencing server, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by the said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints. It is inherent that software process receives audio input for mixing from another software process that receives audio input from the packet-based endpoints.);

receiving, by said circuit-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN endpoints.);

mixing said first audio packet and said second audio packet into one combined audio packet (Paragraphs 0050; 0054. Audio inputs are mixed. Sum stream represents the mixed input of all selected inputs.);

forwarding said one combined audio packet to each of the first plurality of clients connected to said circuit-switched conferencing server (Paragraph 0052. Sum stream is directed to the GSTN endpoints.); and

forwarding, over a connection, said second audio packet to said packet-switched conferencing server (Paragraph 0052. Output stream is transmitted to the packet-based endpoints. It is inherent that a software process receives and sends audio packets to another software process for transmission to packet-based endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0038. GSTN endpoints are based on circuit-switched network, packet-based endpoints are based on packet-based network.).

23. Baxley teaches substantial features of the claimed invention including a single server serving as both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not teach establishing, by said circuit switched conferencing server, a connection to said packet-switched conferencing server; and designating said connection as an active speaker on said circuit-switched conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server. Baxley also does not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

24. Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server and uses the connection for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a

server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. The motivation for the suggested combination is that Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

26. Baxley and Kung still do not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

27. Polcyn teaches a system for voice conferencing between different networks, wherein a conferencing server receives communications using an asynchronous transmission method (col. 2, lines 32-35; col. 4, lines 21-24, 33-36).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the audio packets received by the packet-switched conferencing as taught by Baxley to receive audio packets using an asynchronous transmission method as taught by Polcyn. The motivation for the suggested combination is that Polcyn's teachings of asynchronous transmission would improve the suggested system by allowing communication without synchronization of an external clock, which would allow a simpler setup of communication between devices.

29. As per claim 4, Baxley teaches substantially the invention as claimed including a computer readable storage medium for audio conferencing between clients of a circuit switched network and clients of a packet switched network, Baxley's teachings comprising:

computer readable program code means for causing the computer to receive, a first audio packet from said circuit-switched conferencing server, wherein said first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker by said circuit-switched conferencing server (Paragraph 0050. Audio input is received from GSTN

endpoints. It is inherent that software process receives audio input for mixing from another software process that receives audio input from the GSTN endpoints.);

computer readable program code means for causing the computer to forward said first audio packet to each of the first plurality of clients connected to said packet-switched conferencing server (Paragraph 0051; 0052. Output stream is transmitted to the packet-based endpoints.);

computer readable program code means for causing the computer to receive, by said packet-switched conferencing server, a plurality of audio packets, wherein said plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by said packet-switched conferencing server (Paragraph 0050. Audio input is received from packet-based endpoints.); and

computer readable program code means for causing the computer to forward, over a connection, said second audio packet to said circuit-switched conferencing server (Paragraphs 0051-0052. Receive audio input from packet endpoints. Output stream is transmitted to the GSTN endpoints. It is inherent that a software process receives and sends audio packets to another software process for transmission to GSTN endpoints.);

whereby the first and second plurality of clients, using varying equipment and protocols, can simultaneously participate in a single audio conference application (Fig. 1; Paragraph 0036. GSTN endpoints are based on packet-based network, packet-based endpoints are based on packet-based network.).

30. Baxley teaches substantial features of the claimed invention including a single server comprising both a packet-switch conferencing server and a circuit-switched conferencing server. However, Baxley does not specifically teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; and designating said connection as an active speaker on said packet-switched conferencing server, whereby said packet-switched conferencing server is independent from said

circuit-switched conferencing server. Baxley also does not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

31. Kung teaches of a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server and uses the connection for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for forwarding of audio packets received from a plurality of clients as taught by Kung. The motivation for the suggested combination is that Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

33. Baxley and Kung still do not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method.

34. Polcyn teaches a system for voice conferencing between different networks, wherein a conferencing server receives communications using an asynchronous transmission method (col. 2, lines 32-35; col. 4, lines 21-24, 33-36).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the audio packets received by the packet-switched conferencing as taught by Baxley to receive audio packets using an asynchronous transmission method as taught by Polcyn. The motivation for the suggested combination is that Polcyn's teachings of asynchronous transmission would improve the suggested system by allowing communication without synchronization of an external clock, which would allow a simpler setup of communication between devices.

Conclusion

36. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2154

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER